761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: February 27, 2014
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2331217
Incident:	Significant Force
Incident Date:	March 12, 2013
Unit:	Pico Rivera Station
Subject:	[redacted] MH[redacted]
Involved Employees:	Deputy Jesus Hernandez, #[redacted] Deputy Stephen Valenzuela, #[redacted]
EFRC Date:	February 26, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law enforcement officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent an escape, or overcome resistance.

FINDINGS:

Deputies assigned to work the Problem Specific Policing Team out of Pico Rivera Station went to the location to conduct a patrol check since it was a known Pico Nuevo Gang area. While in the courtyard, they saw two Pico Nuevo gang members (Subject [redacted] and Suspect Fernie Lopez) on the upper level near the stairs.

The deputies had numerous previous contacts with both gang members and knew they were both on [redacted] In addition, they knew Suspect Lopez had an outstanding felony warrant.

The deputies ordered the gang members to stop and stay where they were, but Subject [redacted] immediately went downstairs into apartment #[redacted] while Suspect Lopez went downstairs, exited the courtyard and ran across Rosemead Boulevard. One of the deputies requested assistance via Sheriff's Communications Center as they followed Suspect Lopez who ended up at the apartment complex south of the location [redacted]. Assisting units helped one of the deputies who subsequently arrested Suspect Lopez for Resisting/Delaying/Obstructing a Peace Officer in the performance of his Duties, 148(a)(1) P.C. and Probation Violation, 1203.2 P.C.

The other deputy and assisting units went to the apartment complex where Subject [redacted] was last seen going into apartment #[redacted] The deputy requested the sergeant to his location to conduct a probation compliance search. An officer from Los Angeles County Probation confirmed Subject [redacted] was [redacted]

The sergeant formulated a plan and assembled an arrest team. Prior to making entry, Subject [redacted] arrived at the location and voluntarily gave the keys to her residence to one of the deputies.

The sergeant and the arrest team approached the apartment, knocked on the door and made announcements prior to opening the door with the key. Once the door was opened, they stepped inside the apartment and made additional announcements for the subject to come out, but he failed to comply.

Eventually the subject walked out of the northeast bedroom and stopped approximately four to five feet from the deputies. He kept his hands behind his back at his waistband. One of the deputies ordered the subject several times to show his hands, but he failed to comply and declared he was not going back to camp. The sergeant directed two of the deputies to take the subject down to the floor.

One of the deputies grabbed the subject's right shoulder and pulled him to the floor, while the other deputy grabbed his left side. The subject fell to the Linoleum floor on his chest. He then put his hands underneath his stomach and tried to get up. The deputy ordered the subject to stop moving, but he failed to comply. The deputy put his right knee in the middle of the subject's back and gained control of his right wrist. The other deputy pulled the subject's left wrist from underneath his body and handcuffed him. One of the deputies immediately

dragged the subject out of the apartment and placed him face down, south of the front door. The subject continued to thrash his body up and down and failed to comply with orders to stop resisting.

The deputy placed his right knee in the middle of the subject's lower back to prevent him from moving his body. Deputies not involved in the force transported the subject to Coast Plaza Hospital where he was seen by doctors in the emergency room. The subject was diagnosed him with a fractured left hip and subsequently transported to Los Angeles County Medical Center (LCMC) by ambulance for treatment of a fractured left hip.

> ***NOTE**: The subject had a prior injury to his left hip.*

The subject was detained for Resisting/Delaying/Obstructing A Peace Officer in the Performance of his Duties, 148(a)(1) P.C. and Probation Violation, 1203.2 P.C. He was issued a citation [redacted] and released to his [redacted] at LCMC.

The EFRC determined the force used against the subject was within Department policy. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit's commander, Captain James Thornton, review and modify, if necessary, their existing unit order with regard to the tracking and preservation of video interviews in force related incidents. In addition, the unit is to ensure all interviews of suspects in force related incidents are conducted by a non-involved supervisor, and this procedure be documented in a unit order.

BDD:JER:jer

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IAB # FO2331217

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 913-01864-1514-145	Date: 03/12/13	Time: 1345	
Location: [redacted] Rosemead Boulevard, Apartment #[redacted]	City or Station: Pico Rivera		
Bureau/Station/Facility: South Patrol Division / Pico Rivera Station	Admin. Investigation: ○ YES ◉ NO		
Type of Force: Directed / Take Down, Control Holds			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ○ YES ◉ NO	Suspect Injury: ◉ YES ○ NO	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Dominic Valencia	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee # [redacted]	Last Name: Valenzuela	First Name: Stephen	Middle I.: A.	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 6'1"	Weight: 205	Age: [redacted]	Shift: ○ EM ◉ Day ○ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Pico Rivera Station	Work Assignment (Unit #, Module, etc.): Problem Specific Policing Team				
Individual Force Used: Take Down, Control Holds	◉ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ○ 2 ◉ 3			
☐ Injured ☐ Treated ☐ Admitted	Facility: N/A	Coroner Case #:			

E2

Employee # [redacted]	Last Name: Hernandez	First Name: Jesus	Middle I.: R.	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 5'8"	Weight: 200	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Pico Rivera Station	Work Assignment (Unit #, Module, etc.): Vandalism Enforcement Team				
Individual Force Used: Take Down	◉ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ○ 2 ◉ 3			
☐ Injured ☐ Treated ☐ Admitted	Facility: N/A	Coroner Case #:			

E_

Employee #	Last Name	First Name	Middle I.	Rank	
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM; ○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:	Work Assignment (Unit #, Module, etc.):				
Individual Force Used:	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ○ 2 ○ 3			
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:			

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Estrada	Edward	F.	SGT.	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Gibson	Brenda	L.	SGT.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Smith	Robert	A.	LT.

Watch Commander / Supervising Lieutenant's **Signature:** ____ Date ____ Copy Provided to Employee by: ____ Emp #: ____

Unit Commander **(Print Name)** ____ Unit Commander's **Signature**: ____ Emp #: ____ Date ____

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 3 - 0 1 8 6 4 - 1 5 1 4 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	
Unit of Assignment: [redacted]	**Work Assignment (Unit #, Module, etc.):** [redacted]	**Shift:** [redacted] EM [redacted] Day [redacted] PM	[redacted] Regular [redacted] OT [redacted] Off Duty
[redacted]	Rodriguez	Daniel	
Unit of Assignment: Pico Rivera Station	**Work Assignment (Unit #, Module, etc.):** Problem Specific Policing Team	**Shift:** ○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty
[redacted]	Roberts	Jason	
Unit of Assignment: Pico Rivera Station	**Work Assignment (Unit #, Module, etc.):** Problem Specific Policing Team	**Shift:** ○ EM ◉ Day PM	◉ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	49	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	N/A

☐ Additional Witness

Supervisor's Report on Use of Force

EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

913 - 01864 - 1514 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Cerda	Jim	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Pico Rivera Station	Problem Specific Policing Team	○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ramirez	Octavio	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Pico Rivera Station	Problem Specific Policing Team	○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 3 - 0 1 8 6 4 - 1 5 1 4 - 1 4 5

Suspect Information

S 1

Last Name [redacted] First Name [redacted] Middle Name Armed? Select: Not Armed

AKA Last Name First Name Middle Name

Sex: (●) Male ( ) Female | Race: H | Age: 17 | Height: 5' 6" | Weight: 190 | D.O.B: [redacted] | Phone #1: ( ) H ( ) W ( ) C [redacted] | Phone #2: ( ) H ( ) W (●) C [redacted]

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: [redacted] Primary Charge Code: 148(a)(1) P.C. Secondary Charge Code: 1203.2 P.C. [redacted] Criminal History

Treated on Scene? ( ) YES (●) NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coast Plaza Medical Center Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Doctor Nemazee Address: 13100 Studebaker Rd. Norwalk Ca Phone #: (562) 868-3751

Under Influence: ( ) YES (●) NO Substance: 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: Time: Unknown ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☒ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name First Name Middle Name Armed? Select

AKA Last Name First Name Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ( ) YES ( ) NO Substance: 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name First Name Middle Name Armed? Select

AKA Last Name First Name Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ( ) YES ( ) NO Substance: 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

913-01864-1514-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
[redacted]	S# 1	Valenzuela, Stephen	E# 1	UC	NN	
[redacted]	S# 1	Hernandez, Jesus	E# 2	UC	NN	
Valenzuela, Stephen	E# 1	[redacted]	S# 1	TT	FR	HI
Hernandez, Jesus	E# 2	[redacted]	S# 1	TT	FR	HI
[redacted]	S# 1	Valenzuela, Stephen	E# 1	RS	NN	
[redacted]	S# 1	Hernandez, Jesus	E# 2	RS	NN	
Valenzuela, Stephen	E# 1	[redacted]	S# 1	CT	NN	
Hernandez, Jesus	E# 2	[redacted]	S# 1	CT	NN	
Hernandez, Jesus	E# 2	[redacted]	S# 1	RH	NN	
Valenzuela, Stephen	E# 1	[redacted]	S# 1	CT	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

FORCE EVALUATION SUMMARY

UNIT: South Patrol Division/Pico Rivera Sheriff's Station

DATE / TIME: March 12, 2013, Tuesday, 1345 hours

LOCATION: [redacted] Rosemead Boulevard, Pico Rivera, California 90660

URN #: 913-01864-1514-145

IAB #: FO2331217

On-call Internal Affairs Bureau personnel assumed the handle on a force investigation after learning that Subject [redacted] sustained a fractured hip. Deputies entered Subject [redacted] residence to conduct a [redacted] Search and were confronted by him. When Subject [redacted] failed to comply with deputies' orders to show his hands, Sergeant Edward Estrada directed Deputies Stephen Valenzuela and Jesus Hernandez to take him down to the floor. The deputies subsequently handcuffed Subject [redacted] When Subject [redacted] refused to stand up and walk out of the residence, Deputy Valenzuela dragged him out. Subject [redacted] sustained a fracture to his left hip. Since Subject [redacted] had a previous injury to his hip area as well as a degenerative disease, it was not conclusive that his injury was caused by the deputies.

This investigation is based on statements by the involved deputies, witnesses and the information obtained during the investigation, along with various written documentation.

SYNOPSIS

Deputies Valenzuela and Octavio Ramirez were assigned to work the Problem Specific Policing Team out of Pico Rivera Station. This unit usually did not handle calls for service. They went to the location because it was a Pico Nuevo Gang area and they conducted routine patrol walks through the courtyard. While in the courtyard, they saw Pico Nuevo gang members Subject [redacted] and Fernie Lopez on the upper level near the stairs. The deputies had numerous previous contacts with both gang members and knew they were both on probation. In addition, they knew Suspect Lopez had an outstanding felony warrant.

The deputies ordered the gang members to stop and stay where they were, but Subject [redacted] immediately went downstairs into Apartment #[redacted] while Suspect Lopez went downstairs, exited the courtyard and ran across Rosemead Boulevard. Deputy Valenzuela requested assistance via Sheriff's Communications Center as he and Deputy Ramirez followed Suspect Lopez who ended up at the apartment complex south of the location [redacted]. Assisting units helped Deputy Ramirez who subsequently arrested Suspect Lopez for Resisting/Obstructing a Peace Officer, 148(a)(1) P.C. and Probation Violation, 1203.2 P.C.

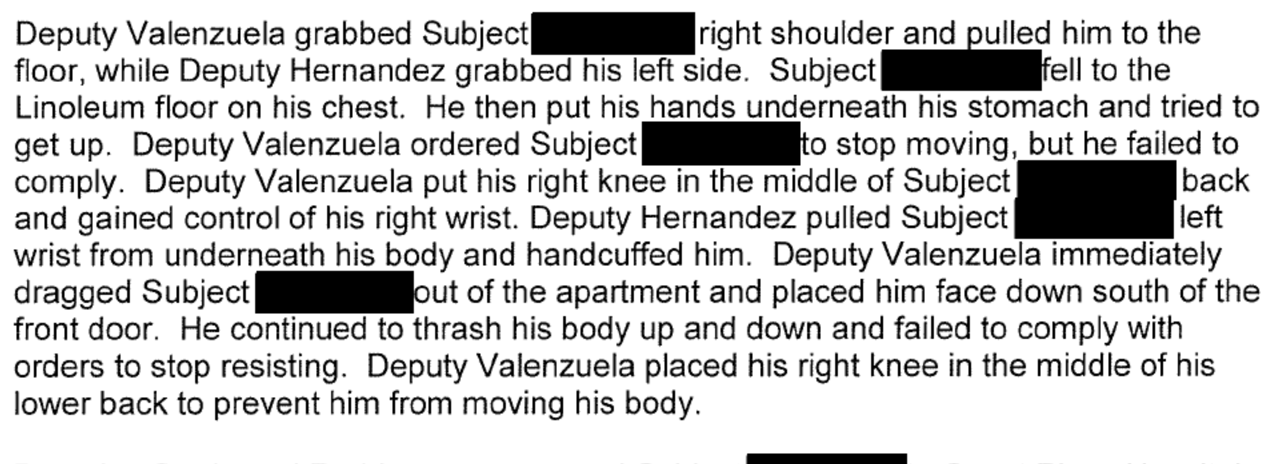
> **IAB Note:** For further details regarding Suspect Lopez' arrest, see copies of the Incident and Supplemental Reports under file number 913-01861-1514-145, included with this case in **Miscellaneous Documents**.

Deputy Valenzuela and assisting units went to the apartment complex where Subject [redacted] was last seen going into Apartment #[redacted] Deputy Valenzuela requested Sergeant Edward Estrada to his location to conduct a probation compliance search. Los Angeles County Probation Officer Julie Longoria confirmed Subject [redacted] was [redacted] with [redacted] Sergeant Estrada formulated a plan and assembled an arrest team which included Deputies Valenzuela, Hernandez, [redacted] Jim Cerda, Daniel Rodriguez and Jason Roberts. Prior to making entry, Subject [redacted] arrived at the location and voluntarily gave the keys to her residence to Deputy Hernandez. She was subsequently arrested for warrants.

> **IAB Note**: A copy of [redacted] arrest packet is included with this case under **Miscellaneous Documents**. In addition, photographs of the outside of the apartment complex are also included with this case. See **Exhibit A**.

The above deputies along with Sergeant Estrada approached the apartment from the west side. Deputies Valenzuela and Hernandez both knocked on the door and made announcements prior to opening the door with the key. Once the door was opened and they stepped inside the apartment, they made additional announcements for Subject [redacted] to come out, but he failed to comply. Deputies Valenzuela and Hernandez went to the left, while Deputies Cerda and Rodriguez went to the right and cleared the kitchen area.

Subject [redacted] walked out of the northeast bedroom and stopped approximately four to five feet from Deputies Valenzuela and Hernandez. He kept his hands behind his back at his waistband. Deputy Valenzuela ordered Subject [redacted] several times to show his hands, but he failed to comply and declared he was not going back to camp. Sergeant Estrada directed Deputies Valenzuela and Hernandez to take Subject [redacted] down to the floor. As the deputies took Subject [redacted] down, Deputy [redacted] stepped forward and covered the hall area.



Deputy Valenzuela grabbed Subject [redacted] right shoulder and pulled him to the floor, while Deputy Hernandez grabbed his left side. Subject [redacted] fell to the Linoleum floor on his chest. He then put his hands underneath his stomach and tried to get up. Deputy Valenzuela ordered Subject [redacted] to stop moving, but he failed to comply. Deputy Valenzuela put his right knee in the middle of Subject [redacted] back and gained control of his right wrist. Deputy Hernandez pulled Subject [redacted] left wrist from underneath his body and handcuffed him. Deputy Valenzuela immediately dragged Subject [redacted] out of the apartment and placed him face down south of the front door. He continued to thrash his body up and down and failed to comply with orders to stop resisting. Deputy Valenzuela placed his right knee in the middle of his lower back to prevent him from moving his body.

Deputies Cerda and Rodriguez transported Subject [redacted] to Coast Plaza Hospital where he was seen in the emergency room by Doctors Cole and Nemanzee, who diagnosed him with a fractured left hip. Subject [redacted] was subsequently transported to Los Angeles County Medical Center (LCMC) by ambulance, escorted by Deputies Ramirez and Michael Pellicano. He was treated by Doctor Knox for a fractured left hip. No deputies were injured. Subject [redacted] was detained for Resisting/Delaying/Obstructing A Peace Officer in the Performance of his Duties, 148(a)(1) P.C. and Probation Violation, 1203.2 P.C. He was issued a citation ([redacted] and released to his [redacted] [redacted] at LCMC. Mr. [redacted] was also issued a citation ([redacted]) to appear with Subject [redacted]

> **IAB Note:** Deputy Valenzuela wrote the Incident Report. Sergeant Estrada and Deputies Hernandez, [redacted] Rodriguez, Cerda and Roberts wrote Supplemental reports. All aforementioned reports are included with this case as **Exhibit B**.

Internal Affairs Bureau, Lieutenant Dominic Valencia, was notified about this force incident and assigned Sergeant Laura Haynes the case. Sergeant Haynes went to Pico Rivera Station and picked up all reports associated with this case. On March 20, 2013, Sergeant Brenda Gibson was reassigned to conduct the administrative review of this incident. The following review is based on written documentation (**Exhibit B**) and all interviews conducted.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

Valenzuela, Stephen, Deputy, #[redacted]
Pico Rivera Station
South Patrol Division

Date of Employment:	12-27-1994
Date assigned to unit:	08-16-2009
Prior Founded Force Incidents:	[redacted]
Prior Shooting Incidents:	[redacted]

Hernandez, Jesus, Deputy, #[redacted]
Pico Rivera Station
South Patrol Division

Date of Employment:	11-10-1998
Date assigned to unit:	08-31-2008
Prior Founded Force Incidents:	[redacted]
Prior Shooting Incidents:	

SWORN WITNESSES

Estrada, Edward, Sergeant, #[redacted]
Pico Rivera Station
South Patrol Division

Date of Employment:	03-28-1984
Date assigned to unit:	01-04-2009
Prior Founded Force Incidents:	[redacted]
Prior Shooting Incidents:	[redacted]

[redacted] Deputy, #[redacted]
[redacted]

Date of Employment:	[redacted]
Date assigned to unit:	
Prior Founded Force Incidents:	
Prior Shooting Incidents:	

Rodriguez, Daniel, Deputy, #[redacted]
Pico Rivera Station
South Patrol Division

Date of Employment:	07-03-2000
Date assigned to unit:	11-15-2009
Prior Founded Force Incidents:	[redacted]
Prior Shooting Incidents:	[redacted]

Cerda, Jim, Deputy, #[redacted]
Pico Rivera Station
South Patrol Division

Date of Employment:	07-02-2001
Date assigned to unit:	05-02-2010
Prior Founded Force Incidents:	[redacted]
Prior Shooting Incidents:	SH2328967/ 01-10-2013

Roberts, Jason, Deputy, #[redacted]
Countywide Services
COPS Bureau

Date of Employment:	10-14-1999
Date assigned to unit:	04-18-2010
Prior Founded Force Incidents:	[redacted]
Prior Shooting Incidents:	[redacted]

Ramirez, Octavio Deputy, #[redacted]
Pico Rivera Station
South Patrol Division

Date of Employment:	10-01-1998
Date assigned to unit:	06-23-2013
Prior Founded Force Incidents:	[redacted]
Prior Shooting Incidents:	SH2231274/ 10-23-2008

CIVILIAN WITNESSES:



[redacted]
FH/[redacted]

INVOLVED SUBJECT:

[redacted]

Sex:	Male
Race:	Hispanic
Date of Birth:	[redacted]
Booking Number:	[redacted]
Charge(s):	Resisting and Obstructing a Peace Officer in Performance of Duties, 148(a)(1) P.C.; Probation Violation, 1203.2 P.C.;
Injuries:	Fractured left hip

A check of the Consolidated Criminal History System revealed that Subject [redacted] See **Exhibit C**.

SUBJECT INJURIES:

Subject [redacted] sustained a fracture to his left hip. He was subsequently seen and treated by Doctor Knox at the Los Angeles County Medical Center (LCMC).

IAB Note: Subject [redacted] was issued a citation and released to his [redacted] at LCMC.

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

None

INVESTIGATORS OBSERVATIONS:

Sergeant Estrada interviewed Subject [redacted] at Coast Plaza Hospital, but did not take any photographs of him. He videotaped the interview of Subject [redacted] and documented the condition of his face and body. He did not see any visible signs of injury to Subject [redacted] Subject [redacted] did not make any statements during the interview. Sergeant Estrada was unable to locate the video recording. He also interviewed the examining physician, Doctor Nemanzee, who stated that Subject [redacted] had a fractured hip and a degenerative bone disease. Doctor Nemanzee also said the fracture may or may not have been caused by the force used by the deputies.

Sergeant Estrada recorded the pre and post video of the interior of Subject [redacted] residence prior to conducting the [redacted] search, but he was unable to locate the recording.

IAB Note: Sergeant Estrada and Operations Sergeant Richard Hernandez checked the camcorder, the shared files and the force packet under URN # 913-01861-1514-145, for the video recordings related to this case.

Sergeant Jose Garcia and I went to Subject [redacted] last known addresses listed on his Consolidated Criminal History Report and were unable to locate him or his [redacted] Witness [redacted] We also talked to the current resident and apartment [redacted] at the location of occurrence. Neither knew the whereabouts of Witness [redacted] or Subject [redacted] Since Subject [redacted] was a [redacted] at [redacted] High School during this incident, we went there to get information about his location. We talked to [redacted] who said Subject [redacted] stopped attending school there when he turned eighteen [redacted]. [redacted] provided a phone number and old address for Witness [redacted] He did not know the whereabouts of Subject [redacted]

Sergeant Garcia talked to Witness [redacted] by telephone, but she was uncooperative. She would not provide her current address and she did not want to make any additional statements about this incident. In addition, she did not know where Subject [redacted] was currently residing.

> **IAB Note**: Subject [redacted] currently [redacted] warrant [redacted]

WEAPONS USED BY INVOLVED PERSONNEL:

Deputy Valenzuela utilized a team takedown maneuver and control holds against Subject [redacted]

Deputy Hernandez utilized a team takedown maneuver and control holds, and he handcuffed Subject [redacted]

WEAPONS USED BY SUSPECT:

Subject [redacted] was uncooperative and resistive as he struggled with the deputies and would not comply with their orders to show his hands and to stop resisting.

PROPERTY DAMAGE:

None

CHARGES FILED AND DISPOSITONS:

A Non-Detained Juvenile Petition was filed for Obstructing and Resisting a Peace Officer in the Performance of His Duties, 148(a)(1) P.C. and Probation Violation, 1203.2 P.C. The petition was sustained on 04-17-2013.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred indoors inside of an apartment during daylight with adequate lighting.

INVOLVED EMPLOYEE STATEMENTS:

The following is a summary of the recorded interviews of the involved employee statements to Internal Affairs Bureau investigators. For additional information, refer to the attached verbatim transcripts included with this case under Transcribed Interviews.

Deputy Stephen Valenzuela was interviewed on January 15, 2014, at 1015 hours by Sergeants Brenda Gibson and Mark Lopez at Internal Affairs Bureau.

Deputy Valenzuela was working the Problem Specific Policing Team with Deputy Octavio Ramirez. He had been working with Deputy Ramirez for approximately five months. He did not recall if he was the driver or passenger on the day of the incident, but believed they parked in front of the location. They went to the location to conduct a patrol check of the courtyard. This was a known Pico Nuevo Gang area. When Deputies Valenzuela and Ramirez arrived, it was daylight and they saw two gang members from "Pico Nuevo" on the upper level of the apartment complex, near the stairs. Deputy Valenzuela recognized the gang members from previous contacts as Subject [redacted] and Fernie Lopez. Subject [redacted] was [redacted] and [redacted] while Lopez had an outstanding felony warrant [redacted] He said both gang members saw them and immediately dispersed. Subject [redacted] went downstairs into Apartment #[redacted] while Lopez went downstairs and exited the apartment complex, running across Rosemead Boulevard. The deputies gave both gang members numerous commands to stop, but they failed to comply.

Deputies Valenzuela and Ramirez followed Lopez on foot, while Deputy Valenzuela requested assistance via Sheriff's Communications Center. Deputies Pellicano and Alfredo Chavez responded and assisted Deputy Ramirez with the apprehension of Lopez at [redacted]

> **IAB Note**: The Incident Report, Supplemental Reports, and Foot Pursuit Evaluation Form regarding the arrest of Fernie Lopez are all included in this case. See **Miscellaneous Documents.**

> **IAB Note:** The radio transmissions conducted during this incident are included with this case. See **Exhibit D**.

Deputy Valenzuela with assisting deputies Jesus Hernandez, [redacted] Jim Cerda, Daniel Rodriguez and Jason Roberts went to the apartment complex located at [redacted] Rosemead Boulevard to contain Apartment #[redacted] After Suspect Lopez was in custody, Deputy Valenzuela requested via portable radio that Sergeant Estrada respond to his location for a probation compliance search. Subject [redacted] Witness [redacted] arrived at the location and parked in the rear. Deputy Hernandez spoke to her in Spanish and she voluntarily gave him the keys to her residence.

Sergeant Estrada formulated a plan to enter the residence and assigned "someone" to deploy a Taser if needed. The inside of the residence was very small and the team knew this before they entered. Deputy Valenzuela said they announced their presence multiple times and knocked on the door, but Subject [redacted] did not answer. Deputy Hernandez opened the door with the key and they entered the apartment with their guns drawn. Deputy Valenzuela said Deputy Hernandez entered first, he entered second and Sergeant Estrada third. They all went to the left along the wall while a couple of deputies entered and went to the right. They did not have any cover or concealment inside the apartment.

Deputy Valenzuela made more announcements for Subject [redacted] to come out with his hands visible. Subject [redacted] appeared wearing baggy clothing, and his hands were behind his back at his waistband area. Subject [redacted] was about five feet from Deputy Valenzuela, who made numerous announcements for him to show his hands, but he failed to comply. Sergeant Estrada ordered them to take Subject [redacted] down to the floor.

Deputy Valenzuela re-holstered his weapon and grabbed Subject [redacted] on the right side of his body. Deputy Hernandez grabbed him from the left side and they utilized a takedown maneuver. Subject [redacted] landed on his stomach with his head facing the front door. He then placed his hands underneath his stomach and tried to get up. As he continued to struggle and tried to get up, Deputies Valenzuela and Hernandez put their body weight on top of him. Deputy Valenzuela ordered Subject [redacted] to stop moving, but he failed to comply. Deputy Valenzuela put his right knee in the middle of his back to keep him from moving. Deputy Hernandez pulled Subject [redacted] left wrist behind his back and Deputy Valenzuela pulled his right wrist. Deputy Hernandez handcuffed Subject [redacted] and Deputy Valenzuela ordered him to stand up to get him out of the apartment. When Subject [redacted] failed to comply, Deputy Valenzuela dragged him about ten feet outside of the apartment. Subject [redacted] continued to thrash around yelling, "Fuck you, Valenzuela!" Once outside, Deputy Valenzuela put both knees on his back to hold him down.

After the protective sweep of the apartment was done, Sergeant Estrada ordered Deputy Valenzuela to escort Subject [redacted] to the radio car. Deputy Valenzuela lifted Subject [redacted] from his right side, while Deputy Roberts lifted his left arm and they assisted him about thirty feet to the radio car parked in front of the location. Deputy Valenzuela said Subject [redacted] was limping, but he always limped because he had a pre-existing injury to his leg or hip from a school related accident when he was a child. Once Deputy Valenzuela sat Subject [redacted] inside the radio car, he refused to put his feet inside stating, "Why am I going to jail? Fuck you, Valenzuela, fuck you! I'm not going back to camp!" Deputy Valenzuela grabbed his feet, pushed them into the car and closed the door.

After Deputies Cerda and Rodriguez transported Subject [redacted] to Coast Plaza Hospital, Deputy Valenzuela returned to the apartment and assisted with the [redacted] search. He did not recall if a pre and post search video was done. However, he said a debriefing was held after the incident. He also did not know if the watch commander was notified prior to the search of the apartment.

Deputy Jesus Hernandez was interviewed on January 14, 2014, at 1027 hours by Sergeants Brenda Gibson and Mark Lopez at Internal Affairs Bureau.

Deputy Hernandez was working Unit [redacted] with Deputy [redacted] and had been working with him for two years.

Deputies Hernandez and [redacted] responded to the location regarding an assistance request. They took a position in front of the location in the north access road leading to the rear parking lot. They held that position for at least ten minutes. Shortly after, Deputy Hernandez saw Subject [redacted] Witness [redacted] drive into the rear parking lot of the location. Deputies Hernandez and [redacted] contacted Witness [redacted] to inquire about Subject [redacted] and to gather "intel." Deputy Hernandez was familiar with Subject [redacted] from prior contacts and knew him as a Pico Nuevo gang member known as [redacted] He was also aware that Subject [redacted] had a previous hip injury and a distinctive walk. Witness [redacted] was uncooperative initially because she had an outstanding warrant [redacted] She told the deputies Subject [redacted] should be inside the apartment because he was [redacted] and [redacted]

Under the direction of their direct supervisor, Sergeant Estrada, they formed a team with Deputy Valenzuela and other Problem Specific Policing team members. Deputy Valenzuela confirmed Subject [redacted] was [redacted] with [redacted] The team gathered inside the courtyard on the north side near the entrance, and discussed a plan to enter the apartment to conduct the probation compliance search. Deputy Hernandez said he did not have a Taser, but he believed one of the team members had one. Witness [redacted] voluntarily gave Deputy Hernandez the keys to her apartment and the team approached the door. Deputy Hernandez had his weapon drawn and he and Deputy Valenzuela made announcements for Subject [redacted] to exit the residence, but he did not respond.

After a few minutes, Deputy Hernandez opened the door and the team entered the apartment. There was light inside the apartment, but it got darker further inside down the hallway north of the front door. A team of deputies cleared the kitchen, which was to the right, while Deputy Hernandez held the hallway. There was a solid wall to the west and the deputies did not have cover or concealment. Subject [redacted] appeared in the hallway facing the deputies. Subject [redacted] was about four feet from Deputy Hernandez and he was agitated. He "flung" his arms towards the back of his waist as he yelled, "Fuck this, I ain't going back to camp! I ain't going to jail!" Deputy Hernandez ordered him to put his hands above his head, but he failed to comply.

Sergeant Estrada ordered Deputies Hernandez and Valenzuela to take Subject [redacted] down to the floor. Deputy Hernandez holstered his weapon, advanced forward, and grabbed Suspect [redacted] left bicep and wrist, while Deputy Valenzuela grabbed his right arm. Subject [redacted] turned his body from left to right as the deputies guided him to the floor. He then tucked his hands underneath his abdominal area. Deputy Hernandez twisted his left wrist behind his back while Deputy Valenzuela brought his right wrist behind his back and Deputy Hernandez handcuffed him. Deputy Hernandez conducted a pat down search of Subject [redacted] and Deputy Valenzuela remained with him while Deputy Hernandez and the rest of the team continued clearing the apartment.

Deputy Hernandez was not sure if a debriefing was held after the incident, but believed one was. He also assisted with the probation compliance search of the apartment.

SWORN WITNESS STATEMENTS:

The following is a summary of the recorded interviews of the sworn witness statements to Internal Affairs Bureau investigators. For additional information, refer to the attached verbatim transcripts included with this case under Transcribed Interviews.

Sergeant Edward Estrada was interviewed on January 21, 2014, at 1207 hours by Sergeants Brenda Gibson and Mark Lopez at Internal Affairs Bureau.

Sergeant Estrada was working Unit 155S and he was in charge of the Vandalism Enforcement Team. His team members were Deputies Hernandez and [redacted] and he briefed them every morning. Sergeant Estrada responded to the location regarding an emergent call involving deputies in a foot pursuit. When he arrived, he went to the apartment complex south of the location [redacted] because deputies were pointing and advising that they were following a suspect into that complex. Once that situation was under control, he heard the request over the radio for a sergeant to respond to [redacted] Rosemead Boulevard regarding another suspect they were looking for.

Sergeant Estrada drove to the location and parked in front. He contacted Deputy Valenzuela who told him a [redacted] ran into Apartment # [redacted] Deputies Hernandez, [redacted] and members of the Problem Specific Policing team (Deputies Cerda, Rodriguez and Roberts) all gathered to discuss the plan to enter the apartment. Sergeant Estrada said he was fifth on the entry team. He didn't recall who was in the other positions, but said he had the team member with the Taser in the back. Sergeant Estrada explained that he always put the Taser in the back because he needed guns up front. They approached the apartment from the west. They made several announcements before opening the door. They entered the apartment and Sergeant Estrada saw Subject [redacted] in the "doorway" and the team members were giving him commands to show his hands.

Subject [redacted] was approximately three to four feet from the deputies and he was not complying with their orders. He stated he was not going back to camp. Due to the tight space, Sergeant Estrada did not consider using the Oleoresin Capsicum Pepper Spray. In addition, he did not consider using the Taser since it was in the back. Sergeant Estrada directed Deputies Valenzuela and Hernandez to take Subject [redacted] down to the floor. Deputy Valenzuela was on Sergeant Estrada's left side and Deputy Hernandez was on his right. They grabbed Subject [redacted] and took him down to the floor. Subject [redacted] continued wrestling while on the floor. Deputy Valenzuela put his knee on Subject [redacted] back, pulled his hand to the middle of his back, and Deputy Hernandez handcuffed him. Sergeant Estrada then directed Deputy Valenzuela to get Subject [redacted] out of the apartment. Since Subject [redacted] would not get up, Deputy Valenzuela picked him up and pulled him outside.

Sergeant Estrada and the rest of the team cleared the apartment. When Sergeant Estrada exited the apartment he heard bystanders screaming, "Fuck cops!" Subject [redacted] was face down on the ground with his head facing north. He told Deputy Valenzuela to escort Subject [redacted] to the patrol car. Deputy Valenzuela lifted him by his left arm and Subject [redacted] walked, limping, to the patrol car. Sergeant Estrada said he briefed the watch commander about this incident, but he did not recall who he talked to. He also held a debriefing after the incident.

Sergeant Estrada videotaped the inside of the apartment prior to and after conducting the probation compliance search however he did not know what happened to the video. In addition, he said he videotaped his interview of Subject [redacted] at Coast Plaza Hospital. Subject [redacted] only moaned during this interview and Sergeant Estrada did not know what happened to that videotape either. Although Sergeant Estrada did not see any signs of injury to Subject [redacted] Doctor Nemazee advised he had a fractured hip. Doctor Nemazee also said the fracture may or may not have been caused by the incident with the deputies. In addition, he told Sergeant Estrada that Subject [redacted] had a degenerative bone disease.

Deputy [redacted] was interviewed on January 14, 2014, at 1226 hours by Sergeants Brenda Gibson and Mark Lopez at Internal Affairs Bureau.

Deputy [redacted] was working Unit [redacted] with Deputy Hernandez and had been working with him for over two years. They responded to the location to assist with containing the area to search for suspects that ran. They parked in the rear of the location. They heard over the radio that one suspect was detained and the other, identified as Subject [redacted] went into Apartment #[redacted] While at the rear of the location, they saw Witness [redacted] drive by. They ran the license plate and it returned with a $30,000 warrant for her arrest. They subsequently arrested her for the warrant.

Deputies [redacted] Hernandez and Witness [redacted] walked into the courtyard. Sergeant Estrada, Deputies [redacted] Hernandez, Valenzuela, Cerda and Rodriguez held a tactical briefing. They discussed the order they were going to enter the apartment, and designated the arrest team, takedown team and handcuffing team. Deputy Valenzuela was number one, Hernandez number two, [redacted] three and Sergeant Estrada number four. He did not recall the lineup after Sergeant Estrada. They approached the location from the west stairwell in a single file line with their weapons drawn.

Announcements were made prior to Deputy Hernandez opening the door as well as once the door was opened. When Deputy [redacted] approached the threshold of the door, he heard someone yelling, "Let me see your hands, let me see your hands." He saw Deputies Valenzuela and Hernandez contacting Subject [redacted] inside the location. Deputy [redacted] saw a hallway, room and bathroom that had not been cleared, behind Subject [redacted].

Deputy [redacted] stepped forward and to the side utilizing a portion of the wall for cover as he pointed his gun down the hallway. Deputies Valenzuela and Hernandez grabbed Subject [redacted] and took him down to the floor behind Deputy [redacted] Deputy [redacted] said there was a lot of commotion and yelling. He heard Subject [redacted] yell, "Fuck that. I'm not going back to camp! I'm not going back to camp!" He did not hear Sergeant Estrada direct the deputies to take Subject [redacted] down to the floor nor did he witness the takedown. He glanced back once and saw Subject [redacted] on his stomach on the floor while the deputies were attempting to handcuff him. Deputy [redacted] said Deputies Cerda and Rodriguez went right when they entered the apartment and cleared that section. Once Subject [redacted] was secured, Deputy [redacted] and another team member cleared the rest of the apartment.

Deputy [redacted] did not use any force on Subject [redacted] From previous contacts and searches of Subject [redacted] Deputy [redacted] knew he had a hip condition and walked with a noticeable limp. In addition, after the incident, Witness [redacted] asked him if Subject [redacted] hip was okay. Deputy [redacted] did not hear Subject [redacted] complain of pain or injury. Sergeant Estrada held a debriefing outside the courtyard after the incident and all entry team members attended.

Deputy Jim Cerda was interviewed on January 21, 2014, at 1559 hours by Sergeants Brenda Gibson and Jose Garcia at Internal Affairs Bureau.

Deputy Cerda was working the Problem Specific Policing team with Deputy Daniel Rodriguez. They worked together for over two years. They responded to the location regarding an assistance request by Deputy Valenzuela who was in foot pursuit of a felony suspect. At the conclusion of the initial request for assistance, Deputy Valenzuela requested they respond to [redacted] Rosemead, Apartment # [redacted] regarding a probation compliance search. They met with Deputies Valenzuela, Hernandez, Sergeant Estrada and a couple of other team members in the courtyard near the entrance of the location and held a tactical briefing. The plan was to conduct a door knock and contact [redacted] Subject [redacted] who lived there. Deputy Cerda did not have a Taser, but he had Oleoresin Capsicum Pepper Spray and his baton. Less lethal options and the possible layout of the apartment were discussed during the tactical briefing. Deputy Valenzuela was number one on the entry team, Deputy Hernandez two, Sergeant Estrada three, Deputy Cerda four and Deputy Rodriguez five. Deputy Roberts was there, but he remained outside with other deputies.

Deputy Cerda said he had his weapon drawn, as did Deputies Valenzuela and Hernandez, prior to entering the residence. Deputy Valenzuela made announcements for Subject [redacted] to come out, but he failed to comply. Deputy Hernandez unlocked the door and Deputy Valenzuela entered and went to the left. Deputy Hernandez entered and went right while Deputy Cerda went left and Deputy Rodriguez right. They made more announcements for Subject [redacted] to come out. After about ten seconds, Subject [redacted] exited a room from the northeast corner of the apartment.

The deputies instructed Subject [redacted] to show his hands several times, but he failed to comply and said, "Fuck that, I'm not going back to camp." Deputies Valenzuela and Hernandez were in close proximity to Subject [redacted] but he was about six to eight feet from Deputy Cerda. Sergeant Estrada directed Deputies Valenzuela and Hernandez to take Subject [redacted] down to the floor. Deputies Valenzuela and Hernandez then took him down to the floor onto his stomach. Subject [redacted] resisted the deputies the entire time. He was on top of his hands and would not put them behind his back. He thrashed his body from side to side as the deputies ordered him to give them his hands. The deputies pried his hands from underneath his body and handcuffed him.

Deputy Cerda was in the northwest corner on the left side of Deputy Valenzuela during the takedown. He was along the wall covering the bathroom in the northwest corner of the apartment. Deputy Rodriguez was parallel to him covering the east side of the apartment. There was minimal lighting inside, but it was daylight and Deputy Cerda could see without using a flashlight. Deputy Cerda said it took ten to twenty seconds from the time they opened the door until the deputies took Subject [redacted] down, and another fifteen seconds before he was handcuffed.

> **IAB Note**: Deputy Cerda drew a diagram of the inside of Apartment #[redacted] And indicated his position as well as Deputies Valenzuela, Hernandez, Rodriguez and Subject [redacted]
> **See Exhibit E**.

Deputy Cerda did not use force on Subject [redacted] He and Deputy Rodriguez transported him to Coast Plaza Hospital for an okay to book since deputies used force on him. Subject [redacted] did not complain of pain or injury to the deputies during transport, but he told the treating physician he had pain in his hip. Sergeant Estrada responded to the hospital and interviewed Subject [redacted] on video, but Deputy Cerda did not know what happened to the video. Prior to transporting Subject [redacted] Deputy Cerda assisted with the probation compliance search of the apartment. He said Sergeant Estrada videotaped the apartment before and after the search, but he did not know what happened to that video either.

Deputy Daniel Rodriguez was interviewed on January 21, 2014, at 1517 hours by Sergeants Brenda Gibson and Jose Garcia at Internal Affairs Bureau.

Deputy Rodriguez was working Unit 815W with Deputy Cerda. He had been working with him since 2011. They responded to the location regarding an assistance request about a foot pursuit of a felony suspect. They contained the area east of the location in the rear of the apartment complex. Once the primary suspect was taken into custody, they went into the apartment complex and attended a tactical briefing. Sergeant Estrada advised they were going to conduct a probation compliance search of Apartment #[redacted] in search of Subject [redacted]

Deputy Rodriguez said Deputy Hernandez was number one on the entry team followed by Deputy Valenzuela, Sergeant Estrada and Deputy Cerda. Deputy Rodriguez said he was number five followed by Deputy Roberts. He said he had O.C. Pepper Spray and a baton, but he did not have a Taser.

As they approached the apartment from west to east, Deputy Hernandez had his weapon drawn as he knocked on the door. Deputy Rodriguez did not have his weapon out because he was number five and did not see the need to have it out before making entry. As soon as the door opened, Deputies Hernandez, Valenzuela and Sergeant Estrada entered the apartment. Once Deputy Rodriguez reached the threshold, he saw Subject [redacted] by the hallway with his hands in his pockets. Deputies Valenzuela, Hernandez and Rodriguez ordered him to come out and to remove his hands from his pockets, but he failed to comply and kept saying, "I'm not going back to camp." Deputies Valenzuela and Hernandez were about four to six feet from Subject [redacted] while Deputy Rodriguez was still outside. When Sergeant Estrada gave the order to take Subject [redacted] down, Deputy Rodriguez entered the apartment with his weapon drawn and went to the right to clear the kitchen area. He did not see the deputies take Subject [redacted] down to the floor. When he returned to the living room, he saw Deputies Valenzuela and Hernandez on the floor with Subject [redacted] but he did not see what they were doing. Subject [redacted] kept yelling, "I ain't going back to jail! Fuck that, I'm not going back to camp!" Deputy Rodriguez walked to the hallway and used a "little wall" that divided the bathroom and bedroom doors as cover as he looked inside the bedroom. He said Deputy Cerda covered the bathroom and they both remained there until Subject [redacted] was secured.

Deputies Valenzuela and Hernandez struggled with Subject [redacted] about four feet behind Deputy Cerda, but he did not look back. He heard the deputies telling Subject [redacted] to stop resisting while they were trying to handcuff him. Once Subject [redacted] was handcuffed, he was escorted out of the apartment. Deputies Rodriguez, Cerda and [redacted] conducted a protective sweep for additional suspects. The apartment was illuminated from the light coming in from the open front door. Deputy Rodriguez then assisted with the probation compliance search. In addition, he said Sergeant Estrada videotaped the apartment before and after the search.

Deputy Rodriguez said he did not use force on Subject [redacted] Sergeant Estrada directed Deputies Rodriguez and Cerda to transport Subject [redacted] to Coast Plaza Hospital. Subject [redacted] did not complain of pain or injury. Deputy Rodriguez said he always walked with a limp because he told them he had a bad hip since he was a child. At the hospital, Doctors Nemazee and Cole said Subject [redacted] had a fractured hip and that they were "amazed" at how he was able to walk due to the condition of his hip throughout the years.

Deputy Rodriguez said Sergeant Estrada responded to the hospital and interviewed Subject [redacted] on video. Deputy Rodriguez was present during the interview, but did not recall what was said if anything.

Deputy Jason Roberts was interviewed on January 14, 2014, at 1129 hours by Sergeants Brenda Gibson and Mark Lopez at Internal Affairs Bureau.

Deputy Roberts was on loan to Pico Rivera Station from the C.O.P.S Bureau. He was working Unit 159N2 alone during this incident. He responded to the location regarding a backup request for a fleeing known suspect. He was not familiar with the area and it took him a little longer than others to arrive. He parked directly in front of the location and walked into the courtyard. A deputy instructed him to watch the front door of Apartment [redacted] He positioned himself next to the northwest staircase and watched the door. Deputy Roberts said the Problem Specific Policing team and their sergeant formulated a plan, but he was not involved in that discussion. He said he saw a lot of residents peeking out the window and making "gestures" while they were at the apartment complex. According to Deputy Roberts, it was not a "friendly place."

Deputy Roberts said they made multiple announcements prior to opening the door with a key. He also said they had their weapons drawn prior to entering the apartment. Since the apartment was small inside, Sergeant Estrada directed Deputy Roberts to stand outside in case some of the residents walked in behind them. When Deputy Roberts looked inside the apartment all he saw was the backs of deputies. He saw a struggle, but he did not see the takedown. In addition, he heard a lot of screaming and yelling. He saw Subject [redacted] handcuffed on the floor, face down, with his head facing the door about a foot from the front door. He then heard Sergeant Estrada give the order to get him out of the apartment. Subject [redacted] yelled, screamed and moved his shoulders back and forth being uncooperative. Deputy Valenzuela dragged him towards the door by his left shoulder and Deputy Roberts grabbed his right shoulder and assisted Deputy Valenzuela with pulling him outside. According to Deputy Roberts, Subject [redacted] did not resist when they pulled him out of the apartment.

Once Subject [redacted] was on the cement in front of the apartment, Deputy Roberts returned to his post. Subject [redacted] continued to be resistive with Deputy Valenzuela by trying to move from side to side. Deputy Valenzuela put both knees on Subject [redacted] back to control his movements, but he continued to move his body from side to side and upward. After the apartment was secured, Deputy Roberts assisted Deputy Valenzuela with standing Subject [redacted] up and walking him to a radio car parked in front of the location. Deputy Valenzuela sat Subject [redacted] in the back seat of the radio car, but he refused to put his feet inside. Deputy Valenzuela picked up Subject [redacted] feet, pushed them inside the car and closed the door. Subject [redacted] did not complain of any pain or injury.

Deputy Octavio Ramirez was interviewed on January 15, 2014, at 1106 hours by Sergeants Brenda Gibson and Mark Lopez at Internal Affairs Bureau.

Deputy Ramirez was working Unit 815E with Deputy Valenzuela during this incident. He had been working with Deputy Valenzuela for about one year. As they drove by the location they saw a known gang member from the Pico Nuevo Gang in front. The gangster saw them and entered the courtyard. They parked behind the apartment complex and walked into the courtyard from the rear.

Deputy Ramirez saw Suspect Lopez and Subject [redacted] with another unidentified male Hispanic walking up the stairs. Deputy Ramirez walked to the opposite stairwell to cut them off, but the suspects "dispersed." Subject [redacted] ran inside of Apartment #[redacted] and locked the door while the other two suspects fled out the front of the complex. Deputies Ramirez and Valenzuela ran after Suspect Lopez because they knew he had a felony warrant [redacted] Suspect Lopez was subsequently apprehended in an apartment south of the location [redacted]. Deputy Ramirez with assisting units handled the arrest of Suspect Lopez while Deputy Valenzuela with assisting units handled the detention of Subject [redacted]

IAB Note: Deputy Ramirez did not write a supplemental report relating to this incident because he was not involved in the detention of Subject [redacted] For a detailed report of the arrest of Suspect Lopez, refer to the Incident Report under file number 913-01861-1514-145, included with this case under **Miscellaneous Documents**.

NON-DEPARTMENTAL WITNESS:

[redacted] FH/[redacted] was interviewed on March 12, 2013, at 2325 hours, by Watch Commander Lieutenant Jose Mendoza, assigned to Pico Rivera Station. The interview was video recorded and a copy of the video is included with this case as **Exhibit D.** The following is a summary of the interview of Witness [redacted]

Witness [redacted] is the [redacted] of Subject [redacted] She was arrested for a warrant [redacted] The interview took place at Pico Rivera Station in the jail. Witness [redacted] said the deputies took the keys to her apartment from her. She stood about thirty feet from the door as they entered. She said the deputies dragged Subject [redacted] out of her apartment and threw him on the ground face down. A deputy then put his knee on top of Subject [redacted] She could not see if he was already handcuffed when they pulled him out.

Witness [redacted] said Subject [redacted] had an accident when he was fourteen years old and broke his entire hip bone.

SUBJECT STATEMENTS:

Subject [redacted] **MH/**[redacted] was interviewed on March 12, 2013, by Sergeant Edward Estrada at Coast Plaza Hospital in the emergency room.

The interview was video recorded, but Sergeant Estrada was unable to locate the video. Subject [redacted] moaned and did not make any statements during the interview.

IAB Note: Internal Affairs Bureau Investigators attempted to contact Subject [redacted] by telephone and by going to his last known addresses, but were unable to locate him.